

**MEMORANDUM OF UNDERSTANDING
BETWEEN
MONTANA DEPARTMENT OF CORRECTIONS
AND
MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

This Memorandum of Understanding (MOU) is entered into this 13th day of October, 2006, between the Montana Department of Corrections (DOC) and the Montana Department of Public Health and Human Services (DPHHS) for the primary purpose of serving the substance abuse treatment needs of adult offenders on probation, who are at risk of revocation of their probation due to continued substance abuse. This will be a "Pilot Program" for one year, after which time the program will be reviewed by the parties to determine if the program and agreement should continue.

I. PARTIES

The DPHHS is the state agency that provides, among other services, mental health and addictive disorders services to the state through the Addictive and Mental Disorders Division (AMDD). The AMDD oversees the inpatient chemical dependency services provided at the Montana Chemical Dependency Center (MCDC), in Butte, Montana.

The DOC is the state agency responsible for carrying out the terms of criminal judgments issued by the district courts of the state of Montana. The Adult Community Corrections Division (ACCD) is responsible for the supervision of convicted adult felons. Currently, the Adult Probation and Parole Bureau within the ACCD have over 8,000 felony offenders under supervision. Approximately 7000 of these offenders were placed on supervision by the district courts via a deferred or suspended prison sentence. This group of offenders is classified as "probation" cases.

II. PURPOSE/OBJECTIVES

An ever-increasing number of offenders on probation are violating their conditions of probation and eventually being sent to prison. Most violations of probation have the common factor of substance abuse. In order to reduce the number of probation violators sent to prison for substance abuse violation, the parties have agreed to establish the MCDC Probation Intervention Project as a significant sanction option to avoid a probation revocation. The purpose of the Project is to provide probationers at risk for revocation with access to an effective, evidence-based inpatient treatment alternative.

The MCDC Probation Intervention Project is a key component within the Sequential Intercept Model (see attached diagram). This model is being utilized through all collaborative efforts between the Departments of Corrections and Public Health and Human Services. This Project provides a strong program at the Level 4 Intercept within the model, diverting offenders from potential prison sentences.

III. TERMS

Under the terms of this MOU, the DPHHS will provide the following services to DOC:

- A.** MCDC will provide the inpatient addictions treatment to those offenders on probation who meet the level of care criteria. The treatment services will be provided at MCDC in Butte, MT. Referrals will be accepted from Probation and Parole offices statewide. Discharge plans will be coordinated with service providers in local communities.
- B.** MCDC will maintain a full census within the eight (8) contracted beds at MCDC exclusively for use by probationers, and as DOC referrals allow. Referrals will include both male and female probationers who suffer from substance use disorders and/or a co-occurring mental illness.
- C.** MCDC will maintain a database, per agreed upon data elements, for all referred DOC clients and will provide a report on this data on a quarterly basis.

D. Payment For Services

Under the terms of this MOU, the DOC will transfer funds in the amount of \$100,000, paid in full on or before June 30, 2007, to DPHHS/AMDD/MCDC for services provided under this MOU during the specified contract period.

E. Term of Agreement

The services provided under this MOU will be offered from receipt of final Contract signature through one year from receipt of final Contract signature.

IV. RESPONSIBILITIES

A. The DPHHS shall:

- 1. Provide services to DOC by directing that MCDC staff will review application packets of eligible offenders through the Utilization Review process within three (3) business days of receipt.
- 2. MCDC staff will notify the referring probation officer, Licensed Addition Counselor (LAC) and the patient of acceptance or denial.
- 3. MCDC staff will notify the Regional Probation Offices when the 8-bed capacity has been filled. MCDC staff will maintain a waiting list of offenders who have been referred and approved.
- 4. The MCDC treatment team will develop, with the supervising Probation Officer, a Continuing Care Plan with the patient prior to the patient's transition back into the community.

5. MCDC staff will notify the supervising Probation Officer, Butte Law Enforcement or the MCDC Liaison if a probation offender is removed or absconds from the program.

6. MCDC staff will maintain data on all Project participants, including cultural, social and economic background, diagnostic as well as criminal profiles. This data will be gathered and serve as a benchmark to measure program achievements.

B. The DOC shall:

1. Through its Probation and Parole Officers, make referrals to the treatment program, following the specific guidelines set out in "Probation and Parole Bureau Standard Operating Procedures Procedure No. 140-3 H. MCDC Probation Intervention Project," attached as Appendix A.

2. Through the LAC placed within the regional Probation and Parole Offices, conduct an evaluation of potentially eligible offenders upon referral to determine if the offender meets ASAM (American Society of Addiction Medicine) Level of Care for Level III.5 or Level III.7.

3. Ensure that any sexual or violent offenders accepted into the treatment program is registered as required with local law enforcement agencies, as set out in P&P Procedure 140-3 H. 2.d.

C. Dispute Resolution

The parties agree that if a disagreement arises regarding the terms and conditions of this MOU or in its execution, they will attempt to resolve the issue informally. The DPHHS designates Dave Peshek, MCDC Administrator or his designee as the initial contact for dispute resolution. The DOC designates Ron Alsbury, Probation and Parole Bureau Chief or his designee as its initial contact for dispute resolution. The parties intend that Peshek and Alsbury attempt to resolve any dispute informally.

Should the parties be unable to resolve the dispute at this level, the issue will be discussed by a committee of the Stakeholders consisting of the Directors of DOC and DPHHS, DOC Community Corrections Administrator, AMDD Deputy Administrator, MCDC Administrator and Probation and Parole Bureau Chief, and the Behavioral Health Program Facilitator. The Committee shall meet to discuss and resolve the dispute. If the parties are unable to resolve the dispute by this meeting, the parties agree that the matter will be referred to the Montana Governor's Budget Office Director or his designee for final resolution.

D. This MOU shall be effective upon the last date of the signatures below.

E. This MOU is not assignable.

- F. Nothing in this MOU is intended to waive or otherwise limit any applicable law, rule, or regulation or any other requirements or duties under such laws, rules, or regulations.

Amendments to this MOU may be proposed at any time by either party and shall become effective upon written approval of both parties.

V. SIGNATURES

Joan Miles
Director
Department of Public Health and
Human Services

11/2/06
Date

Mike Renteria
Director
Department of Corrections

10-26-06
Date

Samuel J. Burke
Administrator,
DOC Adult Community Corrections Division

10/23/06
Date

George Delunz
Administrator,
Addictive and Mental Disorders Division

10-31-06
Date

DPHHS
Division _____
Legal _____

DOC
Division _____
Legal OK

Filter Level	Model	Possible Stakeholders
1	Best clinical practices: the ultimate intercept	Local providers, education and advocacy groups
2	Law enforcement and emergency services	Local police, county sheriffs, MT Assoc. of Police Chiefs, MT Police Protective Assoc. MT Law Enforcement Academy, MT Sheriffs and Peace Officers Assoc.
3	Post arrest: initial detention and initial hearings	State courts, local courts, MT State Bar Assoc.
4	Post-initial hearings: jail, courts, forensic evaluation and forensic commitments	State courts, local courts, MT State Bar Assoc, MT Dept of Corrections, MT Dept. of Justice, local hospitals, MT health care providers
5	Re-entry from jails, state prisons and forensic hospitalization	Regional and local jails, MT State Prison, MT Women's Prison, regional prisons, MT State hospital
6	Community corrections and community support	DOC Community Corrections, DPHHS, local faith based and community based organizations

The Sequential Intercept Model viewed as a series of filters

